

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

*In Re: Shale Oil Antitrust Litigation*

Case No. 1:24-md-03119-MLG-LF

This Document Relates to:

Judge Matthew L. Garcia

ALL ACTIONS

**JOINT STATUS REPORT**

Pursuant to the Court’s December 20, 2024, Initial Scheduling Order (ECF No. 82), Plaintiffs and Defendants (together, the “Parties”) submit this joint status report.

**I. Summary of Progress on Case**

**a. The Pleadings**

On January 10, 2025, Plaintiffs filed their Consolidated Class Action Complaint (ECF No. 86). On February 24, 2025, Defendants filed: one joint motion to dismiss under Fed. R. Civ. P. 12(b)(1) and 12(b)(6) (ECF No. 129), eight individual motions to dismiss under Fed. R. Civ. P. 12(b)(2) and 12(b)(6) (ECF Nos. 123–27, 130–32), and one Request for Judicial Notice (ECF No. 128). Pursuant to the Initial Scheduling Order (ECF No. 82), Plaintiffs filed their oppositions to Defendants’ motions to dismiss and request for judicial notice on April 10, 2025. Defendants’ reply briefs were filed on May 12, 2025. A hearing on the nine motions to dismiss was held on May 20, 2025 (ECF No. 171).

On June 30, 2025, Defendants filed a Notice of Supplemental Authority (ECF No. 226). On July 7, 2025, Plaintiffs filed a Response to Defendants’ Notice of Supplemental Authority (ECF No. 229).

On April 8, 2025, the Kansas Attorney General filed a Motion to Intervene (“Motion”) (ECF No. 153). Pursuant to Stipulation, Plaintiffs responded to the Motion on May 6, 2025. The State of Kansas filed a reply on June 3, 2025. On July 7, 2025, the State of Kansas filed a Notice of Supplemental Authority (ECF No. 228). Plaintiffs intend to file a response to Kansas’s Notice of Supplemental Authority in advance of the hearing on the Motion to Intervene, which is set for July 15, 2025.

On May 12, 2025, 3Red Partners LLC (“3Red”) filed a Class Action Complaint (“*3Red* Complaint”) against Defendants. Case No. 1:25-cv-00447, ECF No. 1. Defendants and 3Red have filed a stipulation and proposed order entering a briefing schedule on any motions to dismiss (ECF No. 223-1).

On June 17, 2025, William Basinski (“Basinski”) filed a Class Action Complaint (“*Basinski* Complaint”) against Defendants. Case No. 1:25-cv-00568, ECF No. 1. Defendants, 3Red, and Basinski are discussing the filing of a single consolidated complaint encompassing 3Red and Basinski, as well as the schedule for any motions to dismiss that complaint.

#### **b. Discovery**

On January 24, 2025, the Parties exchanged their Initial Disclosures. Between February 20 and 27, 2025, the Parties exchanged: document retention and electronic device usage policies; draft discovery-related protocols including stipulated Electronically Stored Information (“ESI”), deposition, and expert discovery protocols; and a draft protective order. The parties have reached agreement and filed the Deposition and Expert Discovery Protocols (ECF Nos. 169 and 170) on April 21, 2025, which were both entered by the Court on April 28, 2025. ECF No. 172. The parties are continuing to negotiate the ESI Protocol and Protective Order and will submit stipulated, or “partially stipulated drafts along with letter briefs outlining any remaining dispute” by July 10,

2025. ECF No. 213.

## **II. Outstanding Disputes**

There are no outstanding issues on which the Parties are at impasse, other than the discovery disputes related to proposed ESI protocol and protective order, on which the parties intend to submit Letter Briefs by July 10, 2025.

## **III. Settlement Discussions**

The Parties will advise the Court if assistance is needed in relation to any settlement discussions.

## **IV. Motions and Other Matters the Parties Anticipate Addressing at Conference**

Other than Kansas' Motion to Intervene and the parties' potential discovery disputes over the ESI Protocol and Protective Order, there are currently no other matters the Parties anticipate addressing at the conference.

JOINTLY SUBMITTED:

Dated: July 8, 2025

### **SCOTT+SCOTT ATTORNEYS AT LAW LLP**

By: /s/ Patrick Coughlin

Patrick McGahan (*pro hac vice*)

Michael Srodoski (*pro hac vice*)

156 S Main Street

P.O. Box 192

Colchester, CT 06415

Tel: (860) 537-5537

pmcgahan@scott-scott.com

msrodoski@scott-scott.com

### **SCOTT+SCOTT ATTORNEYS AT LAW LLP**

Karin E. Garvey (*pro hac vice*)

230 Park Ave., 24th Floor

New York, NY 11069

Tel: (212) 223-6444

kgarvey@scott-scott.com

### **SCOTT+SCOTT ATTORNEYS AT LAW LLP**

Patrick J. Coughlin (*pro hac vice*)

Carmen Medici (*pro hac vice*)

### **COTCHETT, PITRE, & McCARTHY, LLP**

By: /s/ Karin B. Swope

Karin B. Swope (*pro hac vice*)

Thomas E. Loeser (*pro hac vice*)

Vara G. Lyons (*pro hac vice*)

Ellen Wen (*pro hac vice*)

Jacob M. Alhadeff (*pro hac vice*)

1809 7<sup>th</sup> Avenue, Suite 1610

Seattle, WA 98103

Tel: (206) 778-2123

kswope@cpmlegal.com

tloeser@cpmlegal.com

vlyons@cpmlegal.com

ewen@cpmlegal.com

jalahadeff@cpmlegal.com

### **COTCHETT, PITRE, & McCARTHY, LLP**

Joseph W. Cotchett (*pro hac vice*)

Adam Zapala (*pro hac vice*)

Vasti S. Montiel (*pro hac vice*)

840 Malcolm Road

Daniel J. Brockwell (*pro hac vice*)  
Isabella De Lisi (*pro hac vice*)  
600 W. Broadway, Suite 3300  
San Diego, CA 92101  
Tel: (619) 233-4565  
pcoughlin@scott-scott.com  
cmedici@scott-scott.com  
dbrockwell@scott-scott.com  
idelisi@scott-scott.com

**DODD LAW OFFICE, LLC**

Christopher A. Dodd  
500 Marquette Avenue NW, Suite 1330  
Albuquerque, New Mexico 87102  
Tel: (505) 475-2932  
chris@doddnm.com

*Interim Liaison Counsel for Plaintiffs and Putative Class*

By: /s/ Boris Bershteyn  
Boris Bershteyn  
Karen M. Lent  
Michael H. Menitove  
Zachary C. Siegler  
SKADDEN, ARPS, SLATE, MEAGHER &  
FLOM LLP  
One Manhattan West  
New York, NY 10001-8602  
Tel: (212) 735-3000  
Boris.bershteyn@skadden.com  
Karen.lent@skadden.com  
Michael.menitove@skadden.com  
Zachary.siegler@skadden.com

Samuel G. Liversidge  
Jay P. Srinivasan  
S. Christopher Whittaker  
GIBSON, DUNN & CRUTCHER LLP  
333 South Grand Avenue  
Los Angeles, CA 90071-3197  
Tel: (213) 229-7000  
sliversidge@gibsondunn.com  
jsrinivasan@gibsondunn.com  
cwhittaker@gibsondunn.com

Eric R. Burris  
BROWNSTEIN HYATT FARBER

Burlingame, CA 94010  
Tel: (650) 697-6000  
jcotchett@cpmlegal.com  
azapala@cpmlegal.com  
vmoniel@cpmlegal.com

**BERGER MONTAGUE PC**

Michael Dell'Angelo (*pro hac vice*)  
Michael J. Kane (*pro hac vice*)  
Candice Enders (*pro hac vice*)  
1818 Market Street, Suite 3600  
Philadelphia, PA 19103  
Tel: (215) 875-3080  
mdellangelo@bm.net  
mkane@bm.net  
cenders@bm.net

**BERGER MONTAGUE PC**

Richard D. Schwartz (*pro hac vice*)  
1720 W. Division  
Chicago IL 20622  
Tel: (773) 257-0255  
rschwartz@bm.net

By: /s/ Benjamin F. Feuchter  
Benjamin F. Feuchter  
Thomas C. Bird  
JENNINGS HAUG KELEHER MCLEOD  
201 Third Street NW, Suite 1200  
Albuquerque, NM 87102  
Tel: (505) 346-4646  
bf@jkhkmlaw.com  
tcb@jkhkmlaw.com

John M. Taladay  
Christopher Wilson  
Kelsey Paine  
Megan Tankel  
Fran Jennings  
BAKER BOTTS L.L.P.  
700 K Street NW  
Washington, D.C. 20001-5692  
Tel: (202) 639-7909  
john.taladay@bakerbotts.com  
christopher.wilson@bakerbotts.com  
kelsey.paine@bakerbotts.com

SCHRECK, LLP  
201 Third Street NW, Suite 1800  
Albuquerque, NM 87102-4386  
Tel: (505) 244-0770  
eburris@bhfs.com

*Attorneys for Defendant*  
*PIONEER NATURAL RESOURCES COMPANY*

By: /s/ Benjamin Allison  
Benjamin Allison  
Billy Trabaudo  
BARDACKE ALLISON MILLER LLP  
P.O. Box 1808  
141 E. Palace Avenue  
Santa Fe, NM 87501  
Tel: (505) 995-8000  
ben@bardackeallison.com  
billy@bardackeallison.com

Jeffrey L. Kessler  
Jeffrey J. Amato  
WINSTON & STRAWN LLP  
200 Park Avenue  
New York, NY 10166  
Tel: (212) 294-6700  
jkessler@winston.com  
jamato@winston.com

Thomas M. Melsheimer  
Thomas B. Walsh, IV  
WINSTON & STRAWN LLP  
2121 N. Pearl Street, Suite 900  
Dallas, TX 75201  
Tel: (212) 294-6700  
tmelsheimer@winston.com  
twalsh@winston.com

*Attorneys for Defendant*  
*DIAMONDBACK ENERGY, INC.*

By: /s/ Earl E. DeBrine, Jr.  
Earl E. DeBrine, Jr.  
MODRALL, SPERLING, ROEHL,  
HARRIS & SISK, P.A.  
500 4th St. NW, Suite 1000

megan.tankel@bakerbotts.com  
fran.jennings@bakerbotts.com

*Attorneys for Defendant*  
*EOG RESOURCES, INC.*

By: /s/ Marguerite M. Sullivan  
Marguerite M. Sullivan  
LATHAM & WATKINS LLP  
555 Eleventh Street, N.W., Suite 1000  
Washington, D.C. 20004  
Tel: (202) 637-2200  
Marguerite.Sullivan@lw.com

Lawrence E. Buterman  
LATHAM & WATKINS LLP  
1271 Avenue of the Americas  
New York, NY 10020  
Tel: (212) 906-1200  
Lawrence.Buterman@lw.com

*Attorneys for Defendant*  
*EXPAND ENERGY CORPORATION*  
*(F/K/A CHESAPEAKE ENERGY CORPORATION)*

By: /s/ Benjamin E. Thomas  
Benjamin E. Thomas  
RODEY, DICKASON, SLOAN, AKIN &  
ROBB, P.A.  
201 3rd Street NW, Suite 2200  
Albuquerque, New Mexico 87102  
Tel.: (505) 765-5900 / Fax: (505) 768-7395  
bthomas@rodey.com

Kevin S. Schwartz  
David A. Papirnik  
WACHTELL, LIPTON, ROSEN & KATZ  
51 West 52nd Street  
New York, NY 10019  
Tel: (212) 403-1062  
kschwartz@wlrk.com  
dapapirnik@wlrk.com

*Attorneys for Defendant*  
*HESS CORPORATION*

Albuquerque, NM 87102  
Tel: (505) 848-1800  
earl.debrine@modrall.com

Devora W. Allon  
KIRKLAND & ELLIS LLP  
601 Lexington Avenue  
New York, NY 10022  
Tel: 212-446-5967  
devora.allon@kirkland.com

Jeffrey J. Zeiger  
KIRKLAND & ELLIS LLP  
333 West Wolf Point Plaza  
Chicago, IL 60654  
Tel: 312-862-3237  
jzeiger@kirkland.com

*Attorneys for Defendant*  
*OCCIDENTAL PETROLEUM CORPORATION*

By: /s/ Michael W. Scarborough  
Michael W. Scarborough  
Dylan I. Ballard  
VINSON & ELKINS LLP  
555 Mission Street, Suite 2000  
San Francisco, CA 94105  
Tel: (415) 979-6900  
mscarborough@velaw.com  
dballard@velaw.com

Craig P. Seebald  
Stephen M. Medlock  
VINSON & ELKINS LLP  
2200 Pennsylvania Avenue NW, Suite 500 West  
Washington, DC 20037  
Tel: (202) 639-6500  
cseebald@velaw.com  
smedlock@velaw.com

*Attorneys for Defendant*  
*PERMIAN RESOURCES CORPORATION*

By: /s/ David I. Gelfand  
David I. Gelfand  
Jeremy J. Calsyn  
Joseph M. Kay

By: /s/ Christopher E. Ondeck  
Christopher E. Ondeck  
Stephen R. Chuk  
PROSKAUER ROSE LLP  
1001 Pennsylvania Ave., NW  
Suite 600 South  
Washington, DC 20004  
Tel: (202) 416-6800  
Facsimile: (202) 416-6899  
condeck@proskauer.com  
schuk@proskauer.com

Kyle A. Casazza  
PROSKAUER ROSE LLP  
2029 Century Park East, Suite 2400  
Los Angeles, CA 90067-3010  
Tel: (310) 284-5677  
kcasazza@proskauer.com

Jared DuBosar  
PROSKAUER ROSE LLP  
2255 Glades Road, Suite 421 Atrium  
Boca Raton, FL 33431  
Tel: (561) 995-4702  
jdubosar@proskauer.com

Michael Burrage  
WHITTEN BURRAGE  
512 North Broadway Avenue, Ste 300  
Oklahoma City, OK 73102  
Tel: (888) 783-0351  
mburrage@whittenburrage.com

H. Brook Laskey  
McCCOY LEAVITT LASKEY  
317 Commercial St. NE, Suite 200  
Albuquerque, NM 87102  
Tel: (505) 246-0455  
blaskey@MLLlaw.com

*Attorneys for Defendant*  
*CONTINENTAL RESOURCES, INC.*

CLEARY GOTTlieb STEEN &  
HAMILTON LLP  
2112 Pennsylvania Avenue NW  
Ste 1000  
Washington, DC 20037  
Tel: (202) 974-1690  
dgelfand@cgsh.com  
jcalsyn@cgsh.com  
jkay@cgsh.com

Kurt A. Sommer  
SOMMER UDALL LAW FIRM, P.A.  
PO Box 1984  
Santa Fe, NM 87504  
Tel: (505) 982-4676  
kas@sommerudall.com

*Attorneys for Defendant*  
*SCOTT D. SHEFFIELD*